

Message Text

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ACTION AF-06

INFO OCT-01 EUR-12 ISO-00 AID-05 CIAE-00 COME-00 EB-07

FRB-03 INR-07 NSAE-00 TRSE-00 XMB-02 OPIC-03 SP-02

CIEP-01 LAB-04 SIL-01 OMB-01 DODE-00 PA-01 USIA-06

PRS-01 INT-05 L-02 /070 W
----- 120551

R 191300Z MAR 74

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC 1956

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY DAR ES SALAAM

LIMITED OFFICIAL USE NAIROBI 2292

E.O. 11652: N/A

TAGS: BDIS CPRS KE US

SUBJECT: SAUL'S RUBY MINE

REF: NAIROBI 1845

1. ON FEBRUARY 28 MINISTER OF NATURAL RESOURCES
OLOITIPTIP STATED IN PARLIAMENT THAT SAUL'S RUBY
MINE HAD BEEN TAKEN OVER BY THE GOK. THIS REMAINS
UNTRUE. NAIROBI LEGAL FIRM KAPLAN AND STRATTON WHO
REPRESENT SAUL ARE STILL NEGOTIATING WITH GOK TOWARD
HOPEFUL SETTLEMENT ON COMPENSATION. GOK COMMISSIONER
OF MINES IS CURRENTLY MULLING OVER REPORTS OF TWO SWISS
EXPERTS ON VALUE OF MINE AND OF RUBIES PREVIOUSLY
EXTRACTED PREPARATORY TO MAKING INITIAL SETTLEMENT
OFFER TO KAPLAN AND STRATTON. IF PRESENT SETTLEMENT
EFFORTS FAIL, GOK WOULD THEN NATIONALIZE MINE IN WHICH
CASE KENYAN HIGH COURT WOULD DECIDE AMOUNT OF
"PROMPT" AND "FULL" COMPENSATION TO BE AWARDED
IN ACCORDANCE WITH CONSTITUTION.

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2. OLOITIP'S STATEMENT HAS BEEN REPORTED IN KENYAN PRESS AND OVERSEAS CREATING INEVITABLE IMPRESSION THAT KENYA DOES NOT OBSERVE DUE PROCESS OF LAW AND THAT TAKEOVER BY GOK OF PRIVATE FOREIGN INTERESTS IS POSSIBLE WITHOUT RECOURSE TO LAW.

3. RECENT EVENTS IN KENYA HAVE MADE IT UNDESIRABLE TO DISCUSS MATTER WITH GOK UNTIL NOW. AT DINNER I GAVE FOR PERMSEC MOFA KIBINGE 18 MARCH, I RAISED SUBJECT WITH HIM, POINTING OUT KENYA WAS GETTING BAD PUBLICITY AND IMAGE ABROAD ON SUBJECT ON WHICH THEY ARE TAKING PROPER ACTION. I SUGGESTED OLOITIP'S STATEMENT MIGHT BE ELABORATED ON TO CORRECT HIS PREVIOUS MISSTATEMENT.

4. WHILE KIBINGE ACCEPTED MY POINT, HE WAS MORE INTERESTED IN CASTIGATING SUAL'S REPUTATION. I REFUSED TO BE DRAWN INTO DISCUSSION OF SAUL'S REPUTATION, STATING IT NOT THE ISSUE. WHILE I GOT HIM BACK ON THE TRACT, HIS OPINION OF SAUL SEEMS SO FIRMLY ROOTED THAT ACTION ON HIS PART TO CLEAR KENYA FROM BEING UNFAIRLY CRITICIZED APPEARS UNLIKELY. IF HE DOES NOT TAKE ACTION, WE WILL EXPLORE OTHER WAYS OF QUIETLY RAISING POINT.
MARSHALL

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